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# PAPERS AND DISCUSSIONS.

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## THE WORK OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

PRESIDENTIAL ADDRESS BY FRANK J. GOODNOW.

It is perhaps well that at the first public meeting of the American Political Science Association a statement be made as to its objects and purposes. It is proper also that this statement should be made by him who has been honored as its first President. For while what will be said is not exactly an official program of the work of the Association, at the same time it is, I trust, something more than a mere personal expression of the views of its president.

The statement which will be made on this occasion as to the purposes of the Association involves necessarily a consideration of the extent of the subject to the study of which the Association is devoted. It also offers a temptation to answer the question: What is Political Science? To this temptation I have determined not to yield. For it seems to me that such an attempt at definition is dangerous, particularly if it shall result in the endeavor to formulate a definition of Political Science which is at the same time inclusive and exclusive. Such an attempt is not only dangerous, but, even if successfully made, it is not in my opinion sufficiently fruitful of practical results to justify the expenditure of thought and time necessary to secure the desired end.

What I shall endeavor to do in what will be said to-day is therefore not to define political science or to show its relation to other sciences, but rather to enumerate some of the subjects which, because they have not been systematically treated by the other societies already in existence, should be chosen as the field of the American Political Science Association.

The matters which it is hoped thus to subject to more effective treatment than they have yet received at the hands of any American scientific association are those which intimately concern that political organization of society which is termed "the State." The State has been, of course, treated incidentally, by the American Historical Association. But members of that body have naturally been interested rather with the states of the past than those of the present, where their interest has been directed towards political matters at all. The functions of the State in the execution of its financial powers have also, at times, attracted the attention of members of the American Economic Association, but their interest has been mainly confined to the consideration of the economic expediency of certain kinds of taxes and the methods which have been adopted for securing their collection and disbursement. Other associations also have interested themselves in the consideration of specific political problems, such as civil service reform and the non-partisan government of municipalities, while still others have called attention, at their meetings and in their publications, to the political questions which, at the time, were agitating the public mind. While most of the associations whose aims have been at all political in character have busied themselves mainly with agitation for some particular reform, it cannot be denied that much work of scientific value has been done by the associations which are now, and for quite a time have been in the field. But it may perhaps be safely said that there was not, until the formation of the American Political Science Association, any association in this country which endeavored to assemble on a common ground those persons whose main interests were connected with the scientific study of the organization and functions of the State. It would seem, therefore, that there was room for the new Association which has been formed and which has met together for the first time for the discussion of some of the subjects, in the study of which its members are interested.

What, now, are those subjects? The answer to this question, when made by any single individual, must, of necessity, be colored somewhat by the special character of the work to

which he, in the main, devotes his attention, however much he may try to free himself from its somewhat narrowing influences.

Recognizing that what will be said is subject to this limitation, I shall endeavor to answer the question which has just been put, and, as a necessary consequence, endeavor to state what is the scope of the Political Science to which the Political Science Association should devote itself. As has been intimated, Political Science is that science which treats of the organization known as the State. It is at the same time, so to speak, a science of statics and a science of dynamics. It has to do with the State at rest and with the State in action. Inasmuch, however, as it is the State in action which causes the phenomena of the greatest practical concern to the individual, what will hereafter be said will be said from the point of view of the dynamics of Political Science. The State, as an object of scientific study, will be considered from the point of view of the various operations necessary to the realization of the State will.

In order that the State will may be realized in any concrete instance, it is necessary, first, that there be organs for the formulation of the State will; second, that that will be expressed; and, third, that the will, once expressed, shall be executed. Our subject naturally divides itself, therefore, into three pretty distinct parts, viz.:

- 1st, The expression of the State will;
- 2nd, The content of the State will as expressed, and
- 3rd, The execution of the State will.

In the first place, the State will must be expressed. In order that it shall be expressed, it is necessary that organs shall be established which are capable of action. The problems involved in determining what these organs shall be and how they shall act are of two kinds. They are, in the first place, theoretical or speculative in character, and they are, in the second place, legal or expressive of existing conditions. The theoretical problems have been mentioned first. For, however contemptuous may be one's belief in the practical value of the study of political theory, it is none the less true that every gov-

ernmental system is based on some more or less well defined political theory whose influence is often felt in minute details of governmental organization. The problems connected with the organization of the authorities which are to express the State will have to do naturally with the special disciplines to which the names of political theory and constitutional law have been attached. The subjects of political theory and constitutional law are, therefore, peculiarly subjects of political science to which any association devoted to the scientific study of Political Science should address itself. They are further, problems whose study has not attracted the serious and continuous attention of any organization or association.

But the problems of political theory, so far as that confines itself to the organization of the State and constitutional law do not, by any means, embrace all the problems arising in connection with the first branch of our subject. For the expression of the will of the State is in some cases directly facilitated by methods of procedure and by organizations which are not commonly regarded as parts of the political system. There are in all governmental systems extra-legal customs and extra-legal organizations whose influence must be considered if we are to obtain an idea of the actual political system of a country. Thus the British system of government is only imperfectly comprehended by one who confines his study to act of parliament and judicial decision. Only he can know what the British government is who in addition to the study of the law, takes up the study of parliamentary precedent; and thus comes to a realization of the real functions of the Cabinet, a body whose name is unknown to the law and whose composition is not even officially proclaimed.

The political system of the United States also offers abundant illustration of the necessity of considering extra-legal conditions. Thus, the real method of electing the President of the United States cannot be ascertained by a consideration of the provisions of the Constitution and the statutes of Congress relative to the matter. The habit, which has been developed, of regarding the presidential electors as mere instruments for the registration in legal form of decisions arrived at through

methods which are in large measure extra-legal, must be borne in mind if we would understand the real method of our presidential elections. Again, and in close connection with what has been said, we must endeavor to understand how the national parties are organized, how national conventions are formed and the methods of their action, if we are to understand the obligation which a presidential elector assumes when he accepts the nomination offered to him by the state convention of the party which he really represents.

In some instances organizations, which from most points of view are extra-legal, are given a standing within the law, as when the law provides, as it often does, that certain officers shall belong to the two leading political parties, or when the State puts on the official ballot the names of those persons which have been certified to its officers by the regular party conventions. In a few instances these parties are fully recognized by the law and their actions are regulated by statute and subjected to the control of the courts.

In all cases where the will of the State is actually influenced by such parties and naturally, particularly where such parties have secured legal recognition, the problems connected with their organization and the discharge by them of the functions for the discharge of which they were organized, are problems to which the attention of the Political Science Association should be directed.

Our political science has, therefore, to do, not only with the theoretical and legal problems of State organization, but also with the somewhat more practical and concrete problems of party organization, and nomination methods, whether these matters are regulated by law or not.

One of the peculiar developments of American political practice has been the attempt to separate both in organization and action the sovereign State from the government. The organization of the sovereign State we find provided for in constitutional conventions and plebiscites: its will is recorded in written constitutions and constitutional amendments. Important problems, both of a political and legal character, present themselves in connection with these subjects. Questions relating

to the legal standing of these conventions and the binding power of their enactments arise, the frequency increasing with the frequency of the actions of this character. Is a constitutional convention a representative of the sovereign people and are its enactments absolutely binding upon the courts, are questions which are not as yet answered, and to whose solution the Political Science Association may well be expected to contribute.

I have said that constitutional conventions and written constitutions are peculiar to American development. While this is true, it is also true that some European States have manifested a tendency somewhat akin to that to be noticed in the United States; while in America, not content with giving the sovereign people its opportunity to express its will on matters of fundamental importance, we have called upon it to act on many less important matters. We find here, as well as elsewhere, many instances of the referendum and initiative, both in state and in local affairs. These are subjects which should receive attention at our hands. For with the development of democracy they are becoming more and more important, and the questions connected with them are being solved in many cases, it seems to me, without sufficient intelligent consideration.

So far we have considered the questions of who shall express the State will and how shall that will be expressed. The second branch of the subject which demands attention is the content of the State will.

The content of the State will is usually regarded as the law.

Unless we conceive of all law as a part of Political Science, it becomes necessary then to differentiate Political Science from legal science. Strictly speaking, of course all law which does not affect the relations of the State and its officers is to be assigned to legal rather than to Political Science. For the science of the private law, *i. e.*, the law affecting the relations of private individuals one with another, is based upon social rather than political considerations. At the same time we must remember that the State, in either its central or local organization, is a subject of the private law, since it may enter

into almost all the relations into which a private individual may enter. Indeed, about the only relations into which a municipal corporation, *e. g.*, cannot, in the nature of things, enter, are the domestic relations. It is of course true, that the law affecting these so to speak private relations of the organs of the government, is somewhat modified because of the fact that the subject of these relations is possessed of the attributes of that elusive thing called sovereignty. But it is none the less true that a knowledge of the private law is necessary to one who would understand the methods and operations of what are known as political bodies. Furthermore, the points of contact between the private and the public law are so many and the contact is often so close that a knowledge of the private law is really necessary to one who would be a sound public lawyer. Thus, our constitution forbids a State to impair the obligation of a contract. To understand the meaning of this part of the constitution we must understand what is meant by the term "contract," which is usually regarded as a term of the private law. Again, the whole system of judicial remedies against illegal official action is in this country, because of the subjection of government officers to the law of the land, a part of the ordinary system of procedure open in the case of the violation of private rights to private individuals. A comprehension of this system of remedies is, therefore, impossible without a knowledge of what is usually spoken of as private law. Finally, many of the rules of private law are adopted largely because of their influence upon social and political conditions. Thus, the law of inheritance which prevails in a State, is adopted because some rather definite social purpose is sought to be subserved. Primogeniture is made the law of the State because of a desire to build up a class from whom political work is demanded. Thus, again, the law of contracts does not recognize as legal, certain agreements, such as those in restraint of trade, because they are not regarded as expedient from the political point of view. The law relating to labor cannot be understood without some knowledge of the private law.

For these reasons the American Political Science Associa-



tion has included among the subjects which are not foreign to it comparative legislation and historical and comparative jurisprudence, whether that legislation or jurisprudence is private or public. It will probably be true, however, that distinctly private legal subjects will not receive at our hands any very exhaustive treatment. For while the relations between public and private law are so intimate as to make it necessary that the public lawyer should have a knowledge of private law, it is none the less true that the public lawyer is interested only incidentally in distinctly private legal problems.

While this somewhat limited inclusion within the work of the association of private legal subjects demands an explanation, if not an apology, no such action on our part is necessary in the case of public legal subjects. Indeed, one of the most important objects of the association is just this study of the public law. The study of the public law is a particularly necessary part of Political Science. For, unless Political Science is to be regarded as a realm in which the political philosopher is to be permitted to roam at will, subject to no check on the exuberance of his fancy or caprice, the public law must be assigned a most important place in an association devoted to the study of Political Science. For it is only by a study of the law, sometimes a most detailed study, that we can arrive at an accurate idea of the form and methods of a governmental system. Indeed, it is very doubtful whether one can be a political scientist in any sense without a knowledge of the law governing the systems subject to study. There may be a class of political philosophers who are content to soar in the empyrean realms of speculation, but a political scientist who makes a study either of past or present governmental systems must of necessity know the law governing such systems. If it were not for the danger of offending some of those whose tastes lead them to philosophical speculation on things political, I should be inclined to say that the more public law a man knows, the more nearly does he approach the position of the political scientist, the more does he recede from that of the mere political philosopher.

In laying this emphasis upon the necessity of the study of

public law for the political scientist, I would not be regarded as depreciating the importance of the work of the theorist. Without him progress would be impossible; without him the public lawyer becomes a mere slave of precedent. Our study of the public law should therefore embrace a study of what it is, and what it should be.

It has been said that Political Science has to do with the execution of the State will, once it has been expressed. The subject of the execution of the State will, or the enforcement of law is one which, it seems to me, has never been accorded the importance which it deserves. Inasmuch as my work has been largely along the line of administrative law, which concerns itself particularly with the enforcement of law, it may well be that I approach this subject with somewhat of a bias. Nevertheless, I cannot let this opportunity pass without attempting to emphasize the importance of the ascertainment and application of correct principles of administration. I can not accept the truth of the saying,

For forms of government let fools contest;  
That which is best administered is best,

for there is no one who has endeavored to secure some change in existing governmental organization who has not had this couplet thrown in his face so often that he has come to regard its use as an evidence of an absolutely hopeless condition of mind in the one who uses it. A study of government which excludes the consideration of the administrative system and actual administrative methods is as liable to lead to error as the speculations of a political theorist which have no regard for the principles of public law.

What has been said requires, perhaps, the support of concrete example. The most famous of such examples that can be adduced is probably to be found in the condition of England just before the adoption of the Poor Law Amendment Act of 1834. The way in which the poor law had been administered was such that social conditions were deplorable. The cause of the trouble was found in the methods which had been provided for the administration of the law. For after the passage of the Poor Law Amendment Act although almost the

only changes introduced by that act were administrative in character, the conditions immediately improved. This improvement has, under the operation of the administrative principle at the basis of the Act, been almost steadily maintained up to the present day.

What was true of the Poor Law in England at the beginning of the nineteenth century is true of almost all branches of administration in this country at the present day. Where they are ineffective this ineffectiveness is in most cases due to the adoption of improper administrative methods. On this account the study of administration is of the greatest importance. But such a study cannot be made without a detailed study of administrative methods and their results. A detailed knowledge of fact and law is necessary to the proper understanding of even important administrative problems. The material to be examined, however, is so vast in extent and in large degree so inaccessible in character, that one hesitates to begin work, and shrinks in dismay at the magnitude of the task involved. While this is true in a measure of all countries, except those like Great Britain, where the material at any rate is in pretty good shape, it is particularly true of a country like the United States where over forty-five legislatures and supreme courts and thousands of administrative authorities are steadily at work increasing the amount of material to be examined; where, until a very recent time it could not be said, if even it can be said now, that the importance of the subject has been recognized, and where, as a consequence, the material to be examined has not been generally collected nor digested. When we approach the study of problems connected with municipal administration, we find conditions are even worse than those which have been described. For the fact that cities have been so long chartered by special legislative act and the almost complete absence of all city reports to State officers have made the collection of material on specific municipal problems a work before whose difficulty one simply stands in a state of almost mental paralysis.

The lack of a great deal of what might be called official material, it has been attempted to supply by the work of volun-

tary associations of persons engaged in the study of some particular class of administrative problems, which, like the Annual Conferences on Charities and Corrections and the State Charities Aid Associations, have already done valuable work. But the amount of the work done in this manner is but a drop in the bucket, while its character has, it is believed, suffered somewhat as a result of the narrowness of purpose of those engaged in it. A most important work for this association to take up would seem to be, therefore, the indexing and if possible the digesting of the material of the character described, already in existence, and the co-ordination of the activities of the various agencies now at work. Much might be done, it is believed, by suggestion to the State and Federal bureaus whose work is the gathering and circulation of information on topics of interest to those engaged in the study of Political Science. It is true that such work has no very dramatic character. It will not attract much attention nor excite extended comment. It will, nevertheless, be of the greatest value to the student, and will, even if tolerably done, have amply justified the addition of the American Political Science Association to the already long list of societies now in existence.

But, finally, whatever may be the work of a tangible and measurable sort which has been so imperfectly outlined, that the association may do, its annual sessions will offer a common meeting ground in more ways than one for those whose work is mainly or largely political rather than economic or historical. It is particularly desirable that there shall be an opportunity for those whose work savors somewhat of the closet to meet those engaged in the active walks of political life. For whatever may be the advantages of the life of the closet philosopher in securing the attainment of and adherence to lofty ideals, it can hardly be denied that a too great separation from the world of action is apt to conduce to the adoption of impracticable and unworkable methods. On the other hand, the man of action, particularly in the field of politics, is apt to acquire distorted views as a result of seeing his problems from too close a view-point, and often loses his ideals in his desire to attain his immediate object. The wise politician should

strive to secure the best that is attainable. Now the knowledge of what is the best attainable is possible only to him who has both ideals and practical political experience. It would seem, therefore, that the meetings of the Association where it is hoped the ideal and the practical may meet ought to be of benefit to both those classes to whom our political progress must be due.

The meetings of this Association ought also to have the greatest value to those of us who are engaged in the work of teaching. For only by personal contact with collaborators in the broad field we are essaying to cultivate, can we learn what is being done at other institutions than the one in which we have the privilege of working. Only by comparison of notes with our colleagues can we learn whether we can improve our methods. Only in this way can we rub away the prejudices and lose the narrowness resulting from our environment. Only in this way can we secure the inspiration which is consequent upon the comradeship and good fellowship of those engaged along the same lines of work. There is hardly one of us who is engaged in the work of instruction who does not feel a sense of loneliness, thrown, as we are, in our different intellectual homes in the companionship of those, who, in their enthusiasm for their own line of work, are prone to imagine we are engaged in the study of a vain thing. There is none of us, I am sure, who did not feel that the establishment of the American Political Science Association offered us an advantage which we had long envied the historian and the economist.

For these reasons it is believed that our new Association has opened to it a field which ought to be cultivated and offers opportunities which ought to be availed of, both by those engaged in the work of instruction in political science and by those who are more immediately responsible for the solution of the many pressing political problems of the day.